

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42602 of 2024

Arising Out of PS. Case No.-249 Year-2001 Thana- SHEKHPURA District- Sheikhpura

Nandu Chaudhary S/o Rijho Chaudhary Resident of Village Lachuaad PS
Sikandra district Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sheo Nandan Prasad, Advocate
	:	Mr.Rajnish Kumar, Advocate
For the Opposite Party/s	:	Ms.Shaheen Begum, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 24-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Sheikhpura P.S. case No. 249 of 2001 instituted for the offences
under Sections 498A, 379 of the Indian Penal Code.

3. Prosecution case, in short, is that all the accused
persons including the petitioner tortured the daughter of the
informant mentally and physically for the non-fulfillment of
demand of dowry.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. The
present case is the case of misuse of privilege of bail earlier
granted to the petitioner. On 04.09.2002, cognizance was taken



by the learned trial Court under Sections 498A, 379, 323, 504, 34 of the Indian Penal Code. On 03.05.2003 the bail bond of the petitioner was cancelled and he was declared absconder on 14.12.2023. The petitioner is in custody since 12.04.2024. Learned counsel further submitted that petitioner has not deliberately misused the privilege of bail granted to him and, in fact, he was totally unaware of the progress of the said case in the absence of proper knowledge. Learned counsel further submitted that petitioner is the *devar* of the victim and he never tortured or demanded any dowry. Learned counsel further submitted that petitioner is separate in mess and business and has no interference with the family matters of the victim and her husband. Learned counsel further submitted that present case is pending for framing of charge. Learned counsel further submitted that petitioner undertakes to abide by any conditions imposed by this Court, if released on bail.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner, as also the undertaking given by the petitioner, this Court is inclined to grant bail to the petitioner.



7. Let the petitioner be released on bail, *after framing of charge, if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sheikhpura P.S. case No. 249 of 2001, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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